IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.4988/07
Smt. Sitarani Dhanuka Vs. The Addl. District Judge No.2, Kota & Ors.

21.08.2007

***Hon'ble Mr. Justice Mohammad Rafiq***

Shri K.K. Mehrishi, Sr. Advocate with
Shri Sanjay Mehrishi for petitioner.
Shri J.K. Agarwal, Addl. GA for State.
Shri Rajveer Sharma for respondent.

Service on contesting respondent nos.2, 3 & 8 is complete as they are represented by learned counsel Shri Rajveer Sharma. The learned Additional Government Advocate accepts notices on behalf of respondent nos.1, 4, 5, 6 & 7.

Under challenge in this writ petition is order dated 1.6.2007 by which the application of the petitioner, who is plaintiff before the trial court, for taking his rejoinder on record was

rejected. This Court while issuing notices to the respondents on 1.8.2007 had directed the further proceedings in the matter before the trial court to remain stayed. The learned counsel for the contesting respondents who are defendants in the suit submits that on account of the interim order passed by this Court, proceedings in the civil suit are lying stayed whereas in the civil suit itself an injunction order is operating against the contesting respondents though the final order in the application for grant of temporary injunction has not yet been passed. He therefore submits that he would have no objection if the rejoinder is ordered to be placed on record. However he prays that at the same time, the learned trial

court may be directed to expedite the passing of the final order in the temporary injunction application.

In the facts of the case, the writ petition is allowed. The order dated 1.6.2007 is set aside and the rejoinder filed by the plaintiff petitioner is ordered to be taken on record. It is however directed that the trial court shall expedite the matter and pass the final order in the temporary injunction application as early as possible but in no case later than three months from the date of certified copy of this order is produced before it.

**(Mohammad Rafiq),J.**

**Rs/-**